

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Brown et al.
Application No.:	Not yet assigned
Filed:	Concurrently herewith
For:	Improved Longitudinally Flexible Expandable Stent
Group Art Unit:	Not yet assigned

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2N-6769-US04

INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached form listing the cited references and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed foreign patent and U.S. patent application are being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, *except that* U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If the form listing the cited references or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

Applications that are listed on the accompanying form listing the cited references as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the form listing the cited references and/or 892 forms from these cases.

 X **I.** This statement qualifies as a no-fee Information Disclosure Statement under 37 C.F.R. §1.97(b) or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- X (1) within 3 months of the filing date of the application (other than a CPA); or
- (2) within 3 months of entry of the national stage; or
- X (3) before the mailing of a first Office Action on the merits;
- (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- (5) as part of a continued prosecution application (CPA); or
- (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

 II. This statement is believed to require a fee or the submission of a certification under 37 C.F.R. §1.97 (c) or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

- (1) a certification as specified in §1.97(e) is provided below; or
- (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

_____ **III. 37 C.F.R. §1.97(d).** If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

- _____ (1) a certification as specified in §1.97(e) is completed below; and
- _____ (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

X **IV. Fee Authorization.** If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

If paragraph II.1 or III is checked, also check one of the paragraphs below

_____ I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

_____ This communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

_____ I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.

If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: December 5, 2003

By: 

James M. Urzedowski
Registration No.: 48596

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Minnetonka, MN 55343-9185
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LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)			ATTY DOCKET NO.: S63.2-6769-US04		APPLICATION NO.: Not yet assigned	
			APPLICANT: Brown et al.			
			FILING DATE: Concurrently herewith		GROUP: Not yet assigned	
REFERENCE DESIGNATION			U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS			
EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,091,211	2/25/211	Richard	427/44	
	AB	5,356,423	10/18/94	Tihon et al.	606/194	
	AC	5,411,552	5/2/95	Andersen et al.	623/2	
	AD	5,649,952	7/22/97	Lam	606/198	
	AE	5,707,386	1/13/98	Schnepp-Pesch et al.	606/194	
	AF	5,716,365	2/10/98	Goicoechea et al.	606/108	
	AG	5,855,597	1/5/99	Jayaraman	623/1	
	AH	5,855,600	1/5/99	Alt	623/1	
	AI	5,868,780	2/9/99	Lashinski et al.	606/198	
	AJ	5,876,432	3/2/99	Lau et al.	623/1	
	AK	5,895,407	4/20/99	Jayaraman	606/198	
	AL	5,913,895	6/22/99	Burpee et al.	623/1	
	AM	5,925,061	7/20/99	Ogi et al.	606/198	
	AN	6,053,941	4/25/00	Lindenberg et al.	623/1	
	AO	6,056,775	5/2/00	Borghi et al.	623/1.16	
	AP	6,183,506	2/6/01	Penn et al.	623/1.15	
	AQ	6,340,366	1/22/02	Wijay	623/1.13	
	AR	6,348,065	2/19/02	Brown et al.	623/1.16	
	AS	6,355,057	3/12/02	Demarais et al.	623/1.15	
	AT	6,395,020	5/28/02	Lay et al.	623/1.15	
	AU	6,533,808	3/18/03	Thompson	623/1.15	
	AV	6,540,775	4/1/03	Fischell et al.	623/1.15	
	AW	6,613,081	9/2/03	Kim et al.	623/1.15	
	AX					
	AY					
	AZ					
EXAMINER			DATE CONSIDERED			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						

LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		ATTY DOCKET NO.: S63.2-6769-US04		APPLICATION NO.: Not yet assigned
		APPLICANT: Brown et al.		
		FILING DATE: Concurrently herewith	GROUP: Not yet assigned	
FOREIGN PATENT DOCUMENTS				
		DOCUMENT NUMBER	DATE	COUNTRY
	BA	99/44535	9/10/99	WO
	BB	0 796 597 A2	9/24/97	EP
	BC	97/45073	12/4/97	WO
	BD			
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EXAMINER			DATE CONSIDERED	
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UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY (COPIES ENCLOSED)		ATTY DOCKET NO.: S63.2-6769-US04		APPLICATION NO. Not yet assigned	
		APPLICANT: Brown et al.			
		FILING DATE: Concurrently herewith		GROUP: Not yet assigned	
UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY					
EXAM'S INIT.		APPLICATION NO.	FILING DATE	INVENTOR(S)	
	DA				
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EXAMINER				DATE CONSIDERED	
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US APPLICATIONS RELATED BY PRIORITY (COPIES NOT ENCLOSED)		ATTY DOCKET NO.: S63.2-6769-US04		APPLICATION NO. Not yet assigned		
		APPLICANT: Brown et al.				
		FILING DATE: Concurrently herewith		GROUP: Not yet assigned		
US APPLICATIONS REALTED BY PRIORITY						
EXAM'S INIT		APPLICATION NO.	FILING DATE	PATENT NO.	INVENTOR(S)	FORM 1449/892 ENC
	EA	09/197,278	11/20/98		Brown et al.	X
	EB	08/511,076	8/3/95		Brown et al.	X
	EC	08/396,569	3/1/95		Brown et al.	X
	ED					
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EXAMINER				DATE CONSIDERED		
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.						

LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				ATTY DOCKET NO.: S63.2B-6769-US		APPLICATION NO.: 09/197278	
				APPLICANT: Brian J. Brown, Michael Davis, David Friesen, Timothy J. Ley and Sean P. Skubitz			
				FILING DATE: November 20, 1998		GROUP: 3731	
REFERENCE DESIGNATION				U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS			
EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE	
	AA	2002/0007212 A1	1/17/02	Brown et al.	623/1.16		
	AB	2002/0177893 A1	11/28/02	Brown et al.	623/1.16		
	AC	2001/0056298 A1	12/27/01	Brown et al.	623/1.16		
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UNPUBLISHED US APPLICATIONS		ATTY DOCKET NO.: S63.2B-6769-US		APPLICATION NO. 09/197278
		APPLICANT: Brian J. Brown, Michael Davis, David Friesen, Timothy J. Ley and Sean P. Skubitz		
		FILING DATE: November 20, 1998		GROUP: 3731
UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY				
EXAM'S INIT.		APPLICATION NO.	FILING DATE	INVENTOR(S)
	DA	08/396569	3/1/95	Brown
	DB	09/599674	6/22/00	Brown et al.
	DC	09/666866	9/20/00	Brown et al.
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EXAMINER				DATE CONSIDERED
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.				

FORM PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY DOCKET NO.: S63.2B-6769-US	APPLICATION NO.: 09/197278
	APPLICANT: Brian J. Brown, Michael Davis, David Friesen, Timothy J. Ley and Sean P. Skubitz	
	FILING DATE: November 20, 1998	GROUP: 3731

REFERENCE DESIGNATION		U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS				
EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE
	AA	6,206,911	3/27/01	Milo	623/1.15	
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FOREIGN PATENT DOCUMENTS				
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EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				ATTY DOCKET NO.: S63.2B-6769-US		APPLICATION NO.: 09/197278	
				APPLICANT: Brian J. Brown, Michael Davis, David Friesen, Timothy J. Ley and Sean P. Skubitz			
				FILING DATE: November 20, 1998		GROUP: 3731	
REFERENCE DESIGNATION				U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS			
EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE	
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OTHER ART (Including Author, Title, Date, Pertinent Pages, Ect.)							
	CA	Starck, E., "First Clinical Experience with the Memotherm Vascular Stent", <i>STENTS State of the Art Future Developments</i> , pages 59-62 (June 1995).					
	CB	Melzer, A. et al., "Performance Improvement of Surgical Instrumentation Through the Use of Ni-Ti Materials, <i>Proceedings of SMST-94 The First International Conference on Shape Memory and Superelastic Technologies</i> , pages 401-409 (March 7-10, 1994).					
	CC						
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

Notice of References Cited	Application/Control No. 09/197,278	Applicant(s)/Patent Under Reexamination BROWN ET AL.	
	Examiner Vy Q. Bui	Art Unit 3731	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification	
	A	US-				
	B	US-				
	C	US-				
	D	US-				
	E	US-				
	F	US-				
	G	US-				
	H	US-				
	I	US-				
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	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification	
	N	DE 29708879U1	09-1997	Germany		A61F	2/04
	O						
	P						
	Q						
	R						
	S						
	T						

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

FORM PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				ATTY DOCKET NO.: S63.2-6769		APPLICATION NO.: 09/197,278	
				APPLICANT: Brian J. Brown et al.			
				FILING DATE: November 20, 1998		GROUP: 3731	
REFERENCE DESIGNATION				U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS			
EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE	
	AA	6,068,656	5/30/00	Von Oepen	623/1.17		
	AB	6,129,755	10/10/00	Mathis et al.	623/1.15		
	AC						
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		DOCUMENT NUMBER	DATE	COUNTRY			
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	CA		SMART TM Stent Brochure, Cordis, a Johnson & Johnson company, date unknown.				
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EXAMINER				DATE CONSIDERED			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

FORM PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				ATTY DOCKET NO.: S63.2-6769		SERIAL NO.: 09/197,278	
				APPLICANT: Brian J. Brown et al.			
				FILING DATE: November 20, 2000		GROUP: 3731	

REFERENCE DESIGNATION				U.S. PATENT DOCUMENTS			
EXAM'S INIT.	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	AA	5,836,966	11/17/98	St. Germain	606	198	
	AB	5,938,697	8/17/99	Killion et al.	623	1	
	AC						
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RELATED APPLICATIONS					
EXAM'S INIT.	APPLICATION NO.	FILING DATE	INVENTOR(S)	RELATED BY	
				SUBJECT	PRIORITY (\$120)
	BA				
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FOREIGN PATENT DOCUMENTS							
EXAM'S INIT.	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
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EXAM'S INIT.	DA	
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EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Notice of References Cited			Application No. 09/197,278		Applicant(s) Brown et al.	
			Examiner Lien Ngo		Group Art Unit 3731	Page 1 of 1

U.S. PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	
A	5,800,521	9/1998	Orth	623	1	
B	6,017,365	9/1998	Von Oepen	623	1	
C						
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FOREIGN PATENT DOCUMENTS						
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NON-PATENT DOCUMENTS	
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FORM PTO-1449 (Modified)
**LIST OF PATENTS AND PUBLICATIONS
 FOR APPLICANT'S
 INFORMATION DISCLOSURE STATEMENT**
 (Use several sheets if necessary)

ATTY DOCKET NO.: S63.2-6769

SERIAL NO.: 09/197,278

APPLICANT: Brian J. Brown et al.

FILING DATE: November 20, 1998

GROUP: 3731

REFERENCE DESIGNATION				U.S. PATENT DOCUMENTS			
EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
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FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
							YES NO
	BA	96/26689	9/6/96	WO			
	BB	98/20810	5/22/98	WO			
	BC	297 16 476 U1	2/5/98	DE			
	BD	0 876 806 A1	11/11/98	EP			
	BE						

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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EXAMINER

DATE CONSIDERED

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FORM PTO-1449 (Modified)

LIST OF PATENTS AND PUBLICATIONS
FOR APPLICANT'S
INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

ATTY DOCKET NO.: S63.2-6769

SERIAL NO.: 09/197,278

APPLICANT: Brian J. Brown et al.

FILING DATE: November 20, 1998

GROUP: 3738

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,911,754	06/15/99	Kanesaka et al.	623	1	
	AB	5,922,021	07/13/99	Jang	623	1	
	AC	5,948,016	09/07/99	Jang	623	1	
	AD	5,954,743	09/21/99	Jang	606	198	
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FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
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OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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EXAMINER

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				APPLICANT: Brian J. Brown et al.			
				FILING DATE: November 20, 1998		GROUP: 3738	

REFERENCE DESIGNATION				U.S. PATENT DOCUMENTS			
EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
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FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	BA	298 16 878 U1	12/24/98	DE			(Abstract)	
	BB							
	BC							
	BD							
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OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)		
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EXAMINER	DATE CONSIDERED
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FORM PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				ATTY DOCKET NO: S63.2-6769 APPLICANT: Brian J. Brown et al. FILING DATE: November 20, 1998			Application No: 09/197,278 GROUP: 3738	
REFERENCE DESIGNATION U.S. PATENT DOCUMENTS								
EXAM'S INIT.	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE		
AA	5,591,197	1/7/97	Orth et al.	606	198			
AB	5,697,971	12/16/97	Fischell et al.	623	1			
AC	5,718,713	2/17/98	Frantzen	606	198			
AD	5,735,893	4/7/98	Lau et al.	623	1			
AE	5,741,327	4/21/98	Frantzenq	623	1			
AF	5,755,776	5/26/98	Al-Saadon	623	1			
AG	5,755,781	5/26/98	Jayaraman	623	1			
AH	5,776,161	7/7/98	Globerman	606	194			
AI	5,776,183	7/7/98	Kanesaka et al.	623	1			
AJ	5,807,404	9/15/98	Richter	623	1			
AK	5,810,872	9/22/98	Kanesaka et al.	606	198			
AL	5,824,059	10/20/98	Wijay	623	1			
FOREIGN PATENT DOCUMENTS								
DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION			
					YES	NO		
BA	297 01 758	3/27/97	DE					
BB	297 02 671 U1	4/10/97	DE					
BC	297 08 689 U1	7/17/97	DE					
BD	297 08 879 U1	7/31/97	DE					
BE	0 821 920 A1	2/4/98	EP					
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)								
CA	Beyar et al, "The BeStent; The Parallel-Serial Jang Stents", <i>Handbook of Coronary Stents, Second Edition</i> , 158-171 & 229-234 (1998).							
CB	Beyar et al, "Newer Stents: Materials and Designs", <i>IAGS Proceedings</i> , 9(5): 363-371 (June 1997).							
CC	Roguin et al, "Acute and 30-Day Results of the Serpentine Balloon Expandable Stent Implantation in Simple and Complex Coronary Arterial Narrowings", <i>The American Journal of Cardiology</i> , 80:1155-1162 (November 1997).							
CD	Roguin et al, "beStent-the serpentine balloon expandable stent: review of mechanical properties and clinical experience", <i>Artif Organs</i> , 22(3):243-249 (March 1998).							
EXAMINER				DATE CONSIDERED				
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								

FORM PTO-1449 (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)				ATTY DOCKET NO: S63.2-6769		Application No: NA		
APPLICANT: Brian J. Brown et al.				FILING DATE: November 20, 1998		Group:		
REFERENCE DESIGNATION								
FOREIGN PATENT DOCUMENT OR PUBLISHED FOREIGN PATENT APPLICATION								
EXAM'S INIT.		DOCUMENT NUMBER	PUBICA TION DATE	COUNTRY OF PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	BF	97/04721	2/13/97	WO				
	BG	97/14375	2/24/97	WO				
	BH	97/25937	7/24/97	WO				
	BI	97/32543	9/12/97	WO				
	BJ	97/32544	9/12/97	WO				
	BK	97/33534	9/18/97	WO				
	BL	97/40780	11/6/97	WO				
	BM	97/40781	11/6/97	WO				
	BN	97/40782	11/6/97	WO				
	BO	97/40783	11/6/97	WO				
	BP	97/40874	11/6/97	WO				
	BQ							
	BR							
	BS							
	BT							
	BU							
	BV							
	BW							
	BX							
	BY							
	BZ							
EXAMINER				DATE CONSIDERED				
<small>EXAMINER: Initial citation considered. Draw line through citation if not in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</small>								

FORM PTO-1449 (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)				ATTY DOCKET NO: S63.2-5605		Serial No: 08/511,076	
				APPLICANT: Brian J. Brown, Michael L. Davis			
				FILING DATE: August 3, 1995		Group: 3308	

REFERENCE DESIGNATION				U.S. PATENT DOCUMENTS			
EXAM'S INT.		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,553,545	11/19/1985	Maass et al.			
	AB	4,733,665	03/29/1988	Palmaz			
	AC	4,739,762	04/26/1988	Palmaz			
	AD	4,776,337	10/11/1988	Palmaz			
	AE	4,830,003	05/16/1989	Wolff et al.			
	AF	4,856,516	08/15/1989	Hillstead			
	AG	4,886,062	12/12/1989	Wiktor			
	AH	4,913,141	04/03/1990	Hillstead			
	AI	4,994,071	02/19/1991	MacGregor			
	AJ	5,019,090	05/28/1991	Pinchuk			
	AK	5,035,706	07/30/1991	Gianturco et al.			

FOREIGN PATENT DOCUMENT OR PUBLISHED FOREIGN PATENT APPLICATION								
		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OF PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	BA	0 606 165 A1	07/13/1994	EPO			X	
	BB	0 540 290 A2	05/05/1993	EPO			X	
	BC	0 364 787 B1	04/25/1990	EPO			X	
	BD	WO 94/17754	08/18/1994	PCT			X	
	BE	0 541 443 A1	05/12/1993	EPO			X	

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)		
	CA	<i>Manufacturing Processes for Engineering Materials</i> , by Seroppe Kalpakjian, Illinois Institute of Technology, Addison-Wesley Publishing Company, pp. 340.
	CB	<i>A View of Vascular Stents</i> , by Richard A. Schatz, MD, From the Arizona Heart Institute Foundation, Phoenix, Arizona, <u>CIRCULATION</u> , Vol. 79, No. 2, February 1989, pp. 445-457.
	CC	<i>The Self-Expanding Mesh Stent</i> , by Ulrich Sigwart, <u>SECTION IV</u> , Chapter 29, pp. 605-610.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial citation considered. Draw line through citation if not in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM IPTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				ATTY DOCKET NO: 563.2-5605			Serial No: 08/511,076	
APPLICANT: Brian J. Brown, Michael L. Davis				FILING DATE: August 3, 1995			Group: 3308	

REFERENCE DESIGNATION		U.S. PATENT DOCUMENTS						
EXAM'S INT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	AA	5,059,211	10/22/1991	Stack et al.				
	AB	5,102,417	04/07/1992	Palinaz				
	AC	5,104,404	04/14/1992	Wolff				
	AD	5,133,732	07/28/1992	Wiktor				
	AE	5,135,536	08/04/1992	Hillstead				
	AF	5,195,984	03/23/1993	Schatz				
	AG	5,197,978	03/30/1993	Hess				
	AH	5,282,823	02/01/1994	Schwartz et al.				
	AI	5,292,331	03/08/1994	Boneau				
	AJ	5,304,200	04/19/1994	Spaulding				
	AK	5,449,373	09/12/1995	Pinchasik et al.				

FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AL	6-4175	03/06/1994	Japan				
	AM							
	AN							
	AO							
	AP							

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)		
	AR	Japanese Infringement Search on Articulated Expandable Stents, Dated July 12, 1995.
	AS	ENGINEERING FLUID MECHANICS, Third Edition, John A. Roberson and Clayton T. Crowe, pp. 94 and pp 414-421
	AT	Cambridge Dictionary of Science and Technology, Cambridge University Press. 128

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 (Modified)				ATTY DOCKET NO: S63.2-5605		Serial No: 08/511,076	
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				APPLICANT: Brian J. Brown, Michael L. Davis			
				FILING DATE: August 3, 1995		Group: 3308	
REFERENCE DESIGNATION				U.S. PATENT DOCUMENTS			
EXAM'S INIT.	PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	AA	3,657,744	04/25/1972	Ersek			
	AB	4,141,364	02/27/1979	Schultze			
	AC	4,681,110	07/21/1987	Wiktor			
	AD	4,693,721	09/15/1987	Ducheyne			
	AE	4,786,507	09/06/1988	Fischell et al.			
	AF	4,769,029	09/06/1988	Patel			
	AG	4,787,899	11/29/1988	Lazarus			
	AH	4,830,003	05/16/1989	Wolff et al.			
	AI	4,856,516	08/15, 1989	Hillstead			
	AJ	4,922,905	05/08/1990	Strecker			
	AK	4,950,227	08/21/1990	Savin et al.			
	AL	4,950,258	08/21/1990	Kawai et al.			
	AM	4,994,071	02/19/1991	MacGregor			
	AN	5,015,253	05/14/1991	MacGregor			
	AO	5,037,392	08/06/1991	Hillstead			
	AP	5,064,435	11/12/1991	Porter			
	AQ	5,092,877	03/03/1992	Pinchuk			
	AR	5,104,399	04/14/1992	Lazarus			
	AS	5,108,415	04/28/1992	Pinchuk et al.			
	AT	5,108,417	04/28/1992	Sawyer			
	AU	5,122,154	06/16/1992	Rhodes			
	AV	5,139,480	08/18/1992	Hickle et al.			
	AW	5,147,385	09/15/1992	Beck et al.			
	AX	5,147,400	09/15/1992	Kaplan et al.			
	AY	5,158,548	10/27/1992	Lau et al.			
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial citation considered. Draw line through citation if not in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

FORM PTO-1449 (Modified) INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				ATTY DOCKET NO: S63.2-5605		Serial No: 08/511,076	
				APPLICANT: Brian J. Brown, Michael L. Davis			
				FILING DATE: August 3, 1995		Group: 3308	
REFERENCE DESIGNATION				U.S. PATENT DOCUMENTS			
EXAM'S INT.	PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	AA	5,217,483	06/08/1993	Tower			
	AB	5,163,952	11/17/1992	Froix			
	AC	5,226,913	07/13/1993	Pinchuk			
	AD	5,282,824	02/01/1994	Gianurco			
	AE	5,344,425	09/06/1994	Sawyer			
	AF	5,354,308	10/11/1994	Simon et al.			
	AG	5,354,309	10/11/1994	Schnepp-Pesch et al.			
	AH	5,383,892	01/24/1995	Cardon et al.			
	AI	5,405,377	04/11/1995	Cragg			
	AJ	2,836,181	05/27/1958	J.S. Tapp			
	AK	3,509,883	05/05/1970	Dibelius			
	AL	3,526,228	09/01/1970	Lyng			
	AM	4,300,244	11/17/1981	Bokros			
	AN	4,319,363	03/16/1982	Ketharanathan			
	AO	4,441,215	04/10/1984	Kaster			
	AP	4,470,407	09/11/1984	Hussein			
	AQ	4,550,447	11/05/1985	Seiler, Jr. et al.			
	AR	4,740,207	04/26/1988	Kreamer			
	AS	4,760,849	08/02/1988	Kropf			
	AT	4,762,128	08/09/1988	Rosenbluth			
	AU	4,771,773	09/20/1988	Kropf			
	AV	4,795,458	01/03/1989	Regan			
	AW	4,820,298	04/11/1989	Leveen et al.			
	AX	4,877,030	10/31/1989	Beck et al.			
	AY	3,868,956	04/04/1975	Alfidi et al.			
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial citation considered. Draw line through citation if not in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

FORM PTO-1449 (Modified)				ATTY DOCKET NO: S63.2-5605		Serial No: 08/511,076	
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				APPLICANT: Brian J. Brown, Michael L. Davis			
				FILING DATE: August 3, 1995		Group: 3308	
REFERENCE DESIGNATION				U.S. PATENT DOCUMENTS			
EXAM'S INT.	AA	PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,140,126	02/20/1979	Choudhury			
	AB	4,503,569	03/12/1985	Dotter			
	AC	4,512,338	04/23/1985	Balko et al.			
	AD	4,553,545	11/19/1985	Maass et al.			
	AE	4,560,374	12/24/1985	Hammerslag			
	AF	4,647,416	03/03/1987	Seiler, Jr. et al.			
	AG	4,649,922	03/17/1987	Wiktor			
	AH	4,655,771	04/07/1987	Wallsten			
	AI	4,665,918	05/19/1987	Garza et al.			
	AJ	4,795,458	01/03/1989	Regan			
	AK	4,800,882	01/31/1989	Gianurco			
	AL	4,848,343	07/18/1989	Wallsten et al.			
	AM	4,872,874	10/10/1989	Taheri			
	AN	4,878,906	11/07/1989	Lindemann et al.			
	AO	3,105,492	10/01/1963	Jeckel			
	AP	3,272,204	09/13/1966	Artandi et al.			
	AQ	3,490,975	01/20/1970	Lightwood et al.			
	AR	3,562,820	02/16/1971	Braun			
	AS	3,635,215	01/18/1972	Shea et al.			
	AT	3,771,526	11/13/1973	Rudle			
	AU	3,993,078	11/23/1976	Bergentz et al.			
	AV	4,078,167	03/07/1978	Banas et al.			
	AW	4,127,761	11/28/1978	Pauley et al.			
	AX	4,130,904	12/26/1978	Whalen			
	AY	4,164,045	09/14/1979	Bokros et al.			
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial citation considered. Draw line through citation if not in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

FORM PTO-1449 (Modified)				ATTY DOCKET NO: S63.2-5605		Serial No: 03/511,076	
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				APPLICANT: Brian J. Brown, Michael L. Davis			
				FILING DATE: August 3, 1995		Group: 3308	

REFERENCE DESIGNATION			U.S. PATENT DOCUMENTS				
EXAM'S INIT.	PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	AA	4,214,587	07/29/1980	Sakura, Jr.			
	AB	4,313,231	02/02/1982	Koyamada			
	AC	4,425,908	01/17/1984	Simon			
	AD	4,501,264	02/26/1985	Rockey			
	AE	4,535,770	08/20/1985	Lemole			
	AF	4,580,568	04/08/1986	Gianturco			
	AG	4,597,389	07/01/1986	Ibrahim et al.			
	AH	4,655,776	04/07/1987	Lesinski			
	AI	4,795,458	01/03/1989	Regan			
	AJ	4,795,465	01/03/1989	Marten			
	AK	4,842,575	06/27/1989	Hoffman, Jr. et al.			
	AL	4,851,009	07/25/1989	Pinchuk			
	AM						
	AN						
	AO						
	AP						
	AQ						
	AR						
	AS						
	AT						
	AU						
	AV						
	AW						
	AX						
	AY						

EXAMINER	DATE CONSIDERED
EXAMINER: Initial citation considered. Draw line through citation if not in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

FORM ITO-1449 (Modified)		ATTY DOCKET NO: S63.2-5605	Serial No: 08/511,076
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)		APPLICANT: Brian J. Brown, Michael L. Davis	
		FILING DATE: August 3, 1995	Group: 3308
OTHER DOCUMENTS (Including Author, Title, Date, Relevant Pages, Place of Publication)			
CA	<i>Improved Dilation Catheter Balloons</i> , by Stanley B. Levy, Ph.D., <u>JOURNAL OF CLINICAL ENGINEERING</u> , Vol. 11, No. 4, July-August 1986, pp. 291-296.		
CB	<i>Self-expanding Stainless Steel Biliary Stents</i> ¹ , By Harold G. Coons, MD, <u>RADIOLOGY</u> 1989, Vol. 170, No. 3, Part 2, pp. 979-983.		
CC	Technical Note Entitled <i>Modifications of Gianturco Expandable Wire Stents</i> , By Barry T. Uchida et al., <u>AJR</u> , Vol. 150, May 1988, pp. 1185-1187.		
CD	Brochure from Cook Incorporated regarding Gianturco-Rosch Biliary Z-Stents™.		
CE	<i>Expandable Biliary Endoprosthesis: An Experimental Study</i> , By Carrasco et al., <u>AJR</u> , Vol. 145, December 1985, pp. 1279-1282.		
CF	<i>Gianturco Expandable Metallic Biliary Stents: Results of a European Clinical Trial</i> ¹ , By Irving, et al., <u>Interventional Radiology</u> , Vol. 172, No. 2, August 1989, pp. 321-326.		
CG	<i>Tracheobronchial Tree: Expandable Metallic Stents Used in Experimental and Clinical Applications</i> ¹ , <i>Work In Progress</i> , By Wallace et al., <u>RADIOLOGY</u> , February 1986, pp. 309-312.		
CH	Brochure Entitled <i>AVE MICRO STENT</i> ™, Instructions for Use, By Applied Vascular Engineering, Inc., pp. 1-15.		
CI	Brochure Entitled <i>MICRO STENT</i> ™, By Applied Vascular Engineering, Inc.		
CJ			
CK			
CL			
CM			
CN			
CO			
CP			
CQ			
EXAMINER		DATE CONSIDERED	
EXAMINER: Initial citation considered. Draw line through citation if not in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

Electronic Information Disclosure Statement

IMPROVED LONGITUDINALLY FLEXIBLE EXPANDABLE STENT

Application: *09/197278*
 Confirmation: 09/197278
 Applicant(s): Brian Brown
 Docket Number: S63.2-6769
 Group Art Unit: 3731
 Examiner: Vy Q. Bui
 search string: (5609627 or 5716393 or 6231598).pn.

US Patent Documents

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Citation No.	Patent Number	Date	Bar Code	Patentee	Class	Subclass
	P01	5609627	1997-03-11	*5609627*	Goicoechea et al.	128	898
	P02	5716393	1998-02-10	*5716393*	Lindenberg et al.	623	1
	P03	6231598	2001-05-15	*6231598*	Berry et al.	623	1.15

Remarks

(Remarks are not for responding to an office action.)

This statement qualifies as a no-fee Information Disclosure Statement under 37 C.F.R. section 1.97 (b) or otherwise because to the knowledge of the undersigned attorney it is being filed before the mailing date of a first Office Action after the filing of a request for continued examination (RCE) under section 1.114. Nevertheless, if any fee is due with the submission of this IDS, please charge

the additional fee to deposit account 22-0350. The instant application, filed November 20, 1998 (after the issuance of US 5716393, cited herein), claims priority as a continuation-in-part from an application filed August 3, 1995. On its face, US 5716393 is not prior art to the subject matter from the parent application. Nevertheless, out of an abundance of caution, Applicant requests that US 5716393 be treated as prior art as to all pending claims unless or until the Applicant confirms that he was unaware of the subject matter thereof prior to his invention date of the subject matter from the parent application.

Signature

Examiner Name	Date